

## UNITED STATES DISTRICT COURT

for the

Southern District of Ohio

FILED  
RICHARD W. NAGEL  
CLERK OF COURT

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U.S. DISTRICT COURT  
SOUTHERN DIST. OHIO

3:19-mj-00080

In the Matter of the Search of  
 (Briefly describe the property to be searched  
 or identify the person by name and address)

Vandalia Store and Lock, LLC, Unit 01105, located at  
 2750 W. National Road, Vandalia, Ohio 45414

Case No.

**APPLICATION FOR A SEARCH WARRANT**

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

See Attachment A.

located in the Southern District of Ohio, there is now concealed (identify the person or describe the property to be seized):

See Attachment B.

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- evidence of a crime;
- contraband, fruits of crime, or other items illegally possessed;
- property designed for use, intended for use, or used in committing a crime;
- a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

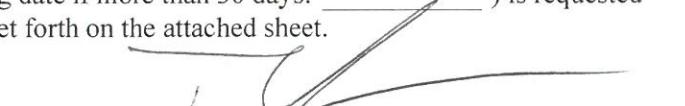
*Code Section*  
21 U.S.C. §§ 841

*Offense Description*  
Distribution of a controlled substance

The application is based on these facts:

See Attached Affidavit.

- Continued on the attached sheet.
- Delayed notice of \_\_\_\_\_ days (give exact ending date if more than 30 days: \_\_\_\_\_) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.



Applicant's signature

TEO Timothy M. Braun, FBI

Printed name and title



Michael J. Newman, United States Magistrate Judge

Printed name and title

Sworn to before me and signed in my presence.

Date: 2/13/19

City and state: Dayton, Ohio

## AFFIDAVIT

Your Affiant, Timothy M. Braun, being duly sworn, do hereby depose and state as follows:

I.

### INTRODUCTION

1. Your Affiant is a Task Force Officer with the United States Federal Bureau of Investigation (FBI) within the meaning of 21 U.S.C. § 878. That is, an officer of the United States who is empowered by law to conduct criminal investigations of and to make arrests for offenses enumerated in 21 U.S.C. § 878. The information contained in this Affidavit is either personally known by your Affiant or relayed to him by other law enforcement officers involved in this investigation.
2. Your Affiant is a law enforcement officer and has been employed as such for the past twenty-eight years. Since March 2013, your Affiant has been assigned to the FBI Dayton Field Office as a Task Force Officer (TFO). From April 2003 to 2009, your Affiant was specifically assigned to the Drug Enforcement Administration at the Dayton Resident Office. Since 1996, your Affiant has been employed as a sworn police officer with the City of Dayton, Ohio. Since 1998, your Affiant has been exclusively assigned to the investigation of narcotics and weapons offenses. As such, your Affiant has been involved in narcotics related arrests, executed search warrants that resulted in the seizure of narcotics, participated in undercover narcotics purchases, and supervised the activities of informants who have provided information and assistance resulting in narcotics purchases.

II.

### PURPOSE OF AFFIDAVIT

3. I make this affidavit in support of a search warrant for the following premise, as there is probable cause to believe that evidence, contraband,

fruits of a crime, other items illegally possessed as well as property designed for use, intended for use, or used in committing violations of 21 U.S.C. §§ 841 (distribution of a controlled substance) exists and can be found at the premise described in Attachment A. A list of the specific items to be seized from the premise described below is attached hereto as Attachment B, and Attachment B is incorporated herein by reference. Based on my training and experience, as described above, I believe that there is probable cause to believe that the items listed in Attachment B will be found at the premise described in Attachment A. This information contained in this Affidavit is largely based upon investigations conducted by Special Agents of the Federal Bureau of Investigations (FBI), Bend, Oregon Resident Office, your Affiant and other law enforcement officers. All of the details of the investigation are not included in this Affidavit, only information necessary to establish probable cause that evidence associated with narcotics offenses is located at the following:

- a. Vandalia Store and Lock, LLC, Unit 01105, located at 2750 W. National Road, Vandalia, Ohio 45414 as more fully described in Attachment A, and Attachment A is incorporated herein as reference.

### III.

#### **FACTS SUPPORTING PROBABLE CAUSE**

4. In February 12, 2019, members of the Central Oregon Drug Enforcement (CODE) task force executed a state of Oregon search warrant at 52848 Wayside Loop, Lapine, Oregon, which appeared to be utilized as a marijuana grow facility and residence. The search warrant was issued as part of an illegal marijuana grow operation. The main suspect listed on the warrant was Sam O. Onat. During the execution of the search warrant, law enforcement seized approximately 1,950 marijuana plants and over 350

pounds of dried marijuana. Onat and another individual were arrested as part of the investigation.

5. During the execution of the search warrant, Special Agents (SA's) and law enforcement officers located and seized a store and lock receipt in the name of their suspect, Sam O. Onat. The seized receipt was a bill from the Vandalia Store and Lock, LLC, 2750 W. National Road, Dayton, Ohio 45414. Further, the receipt showed that Onat was renting storage unit #01105, a 5x10 size unit. The letter/bill indicated that Onat had a payment date of March 1, 2019.
6. Law enforcement attempted to interview Onat, however he refused to speak with them.
7. Also present during the search warrant was an individual who identified him/herself as a worker at the facility. This individual agreed to speak with law enforcement and was interviewed by FBI SA Daniel Baringer. During the course of the interview, this individual indicated that Onat and others transported marijuana to three places that he/she was aware of: New York, Chicago, Illinois and Dayton, Ohio. The individual stated that Onat drove shipments of marijuana to Dayton and believed he (Onat) had someplace in Dayton to store the marijuana. The individual stated that he/she was present when Onat was speaking with a male in Ohio via FaceTime and overheard Onat and the male discussing when the next "load" was coming. Further, Onat had told the interviewer that he was once robbed of 30 pounds of marijuana in Ohio. The individual also told SA Baringer that Onat did not drive money back to Oregon but received payment for the marijuana by other means.
8. On February 13, 2019, TFO Patrick Bell made contact with employees at Vandalia Store and Lock. TFO Bell advised them of the situation and requested permission for access to facility in order to utilize a K9 to do a "free air sniff" around locker unit #1105. Deputy Anthony Hutson, of the

Montgomery County Sheriffs Department, utilized his K9 partner Gunner to do the “free air sniff”. Gunner is certified in the state of Ohio as a certified special K9 certified in the detection of marijuana, cocoa extract, methamphetamines, heroin and there derivatives. K9 Gunner did give a positive alert to locker #1105, as indicated by Deputy Hutson.

9. Based on the facts set forth in the Affidavit, I further believe there is probable cause to believe that evidence, contraband, fruits of a crime, other items illegally possessed as well as property designed for use, intended for use, or used in committing violations of 21 U.S.C. §§ 841 (distribution of a controlled substance) exists and can be found at the following location:

- a. Vandalia Store and Lock, LLC, Unit 01105, located at 2750 W. National Road, Vandalia, Ohio 45414 as more fully described in Attachment A, and Attachment A is incorporated herein as reference.



Timothy M. Braun  
Task Force Officer  
Federal Bureau of Investigation

Sworn to and subscribed before me this 13<sup>th</sup> day of February 2019



**ATTACHMENT A**



Vandalia Store and Lock, LLC, Unit #1105, a self-storage facility being off white in color with green overhead doors and secured by chain link fence and gate, located at 2750 W. National Road, Dayton, Ohio 45414

## **ATTACHMENT "B"**

### **PROPERTY TO BE SEIZED**

- A. Log books, records, payment receipts, notes, and/or customer lists, ledgers, and other papers or electronic records relating to the transportation, ordering, purchasing, processing, and distribution of controlled substances.
- B. Papers, tickets, notices, credit card receipts, travel schedules, travel receipts, passports, and/or records, and other items relating to domestic and foreign travel to obtain and distribute narcotics proceeds, including, but not limited to airline receipts, vehicle rental receipts, travel schedules, diaries, hotel receipts, truck logs, travel agency vouchers, notes, records of long distance telephone calls, email and other correspondence.
- C. Address and/or telephone books and papers reflecting names, email and physical addresses and/or telephone numbers of individuals, partnerships, or corporations involved in drug trafficking and money laundering.
- D. Financial records, financial statements, receipts, statements of accounts and related bank records, money, drafts, letters of credit, money orders and cashier's checks receipts, passbooks, bank checks, escrow documents, and other items evidencing the obtaining, secreting, transfer, and/or concealment of assets and the obtaining, secreting, transferring, concealment, and/or expenditure of money.
- E. Electronic equipment such as computers, electronic organizers, facsimile machines, cellular telephones, caller ID, telephone answering machines, police scanners and two-way radios.
- F. United States currency, precious metals, coins bullion, jewelry, and financial instruments, including, but not limited to stocks and bonds.
- G. Photographs and/or photographic albums or video tapes and recordings of houses and other real estate, automobiles, and of other assets, persons, and/or controlled substances.
- H. Indicia of occupancy, residency, and/or ownership of the premises, and vehicles including, but not limited to utility and telephone bills, canceled envelopes, keys, deeds, tax bills, titles, vehicle registrations and documentation regarding storage units/lockers.
- I. Contraband, such as illegal drugs and other materials, paraphernalia and/or equipment and tools used in the drug trade.
- J. Firearms and ammunition.